

[Advisory Opinion 1992-2A]
[ADVISORY OPINION 92-28A]

May 12, 1992

[Name1 withheld], Esq.

Dear [Name1 withheld]:

The Montgomery County Ethics Commission has received and reviewed your letter of March 31, 1992. According to your letter, you are a commissioner of the Montgomery County Housing Opportunities Commission (HOC) and a former member of the law firm [Name2 withheld].

You have been performing your duties as a Commissioner of HOC under a waiver granted to you by the Ethics Commission in October, 1986. This waiver had five conditions which, if met, would allow you to participate in HOC matters without a conflict of interest. These conditions were imposed due to your employment with [Name2 withheld] which followed your appointment to HOC and because HOC Commissioner [Name3 withheld] is a partner in the firm of [Name2 withheld].

Since April 1, 1992 you have been employed as a sole practitioner attorney and, in consideration of that new employment, you are requesting an approval of your new employ under the Ethics law. In addition, you are suggesting conditions which you feel are appropriate to this requested outside employment approval.

After reviewing the former approval granted by the Ethics Commission and your newest request, the Ethics Commission, approves your new outside employment under Section 19A-12(a)(1) with the following conditions:

1. You will not represent any client in any matter before the HOC.
2. You will not participate as an HOC Commissioner in any matter in which a client has an interest in a matter before the HOC, and that you will disclose, on the record of the HOC, that you are not participating; provided that, in the event that your recusal will render the HOC unable to act on the matter, you may disclose the real or apparent conflict and participate in the matter before the Commission under Section 19A11-b(1).
3. You will not represent a client in connection with any matter, whether or not the matter is before the HOC, if the HOC has any interest in the matter.

The Ethics Commission trusts that this letter is responsive to your request and welcomes any questions that you may have in regard to this decision.

Sincerely,

Barbara McNally
Administrative Specialist

BMM:11